

NANCY L. ABELL (SB# 088785)
nancyabell@paulhastings.com
HEATHER A. MORGAN (SB# 177425)
heathermorgan@paulhastings.com
JAN E. EAKINS (SB# 100612)
janeakins@paulhastings.com
PAUL HASTINGS LLP
515 South Flower Street, Twenty-Fifth Floor
Los Angeles, CA 90071-2228
Telephone: (213) 683-6000
Facsimile: (213) 627-0705

GINA GUARIENTI COOK (SB# 245611)
ginacook@paulhastings.com
PAUL HASTINGS LLP
55 Second Street, Twenty-Fourth Floor
San Francisco, CA 94105
Telephone: (415) 856-7000
Facsimile: (415) 856-7100

Attorneys for Defendants
KAISER FOUNDATION HEALTH PLAN,
INC., KAISER FOUNDATION HOSPITALS,
and THE PERMANENTE MEDICAL
GROUP, INC.

Plaintiffs' Counsel listed on next page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRENDA HILL, MEDHANIE BERNE, PATSY
HARDY, MICHELLE MIKE, EVELYN
JENNINGS and RENA HARRISON on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs.

KAISER FOUNDATION HEALTH PLAN,
INC.; KAISER FOUNDATION HOSPITALS;
and THE PERMANENTE MEDICAL GROUP;
d/b/a KAISER PERMANENTE MEDICAL
CARE PROGRAM,

Defendants.

No. CV 10 2833-RS

**STIPULATION AND [PROPOSED]
ORDER RE REFERENCE TO A
MAGISTRATE JUDGE FOR
SETTLEMENT PURPOSES,
DISCOVERY STAY, AND OTHER
SCHEDULING ISSUES AS MODIFIED BY
COURT**

JEREMY L. FRIEDMAN, CA Bar No. 142659
jlfried@comcast.net
Attorney At Law
2801 Sylhowe Road
Oakland, CA 94602
Telephone: (510) 530-9060
Facsimile: (510) 530-9087

GORDON W. RENNEISEN, CA Bar No. 129794
grenneisen@cornerlaw.com
HARRY G. LEWIS, CA Bar No. 157705
hlewis@cornerlaw.com
Cornerstone Law Group
575 Market Street, Suite 2360
San Francisco, CA 94105
Telephone: (415) 625-5025
Facsimile: (415) 655-8236

KENDRA L. TANACEA, CA Bar No. 154843
kendra.tanacea@sbcglobal.net
Law Offices of Kendra L. Tanacea
198 Corbett Avenue
San Francisco, CA 94114
Telephone: (415) 934-8844
Facsimile: (415) 934-8840

Attorneys for Plaintiffs and all others similarly situated

1 Plaintiffs Brenda Hill, Medhanie Berhe, Patsy Hardy, Michelle Mike, Evelynn Jennings
2 successor in interest, and Rena Harrison, suing on behalf of themselves and all others similarly
3 situated (collectively "Plaintiffs") and Defendants Kaiser Foundation Health Plan, Inc., Kaiser
4 Foundation Hospitals, and The Permanente Medical Group, Inc. (collectively "Defendants"), by and
5 through their counsel of record, hereby enter into the stipulation set forth below.

6 WHEREAS:

7 1. The parties wish to explore the possibility of resolving this matter, believe that
8 settlement discussions are more likely to be successful if they are conducted under the auspices of a
9 magistrate judge, and jointly request an order of reference to Magistrate Judge Laurel Beeler for
10 settlement purposes.

11 2. Pursuant to the Court's Case Scheduling Order of October 15, 2012 (Docket No. 115),
12 the current deadline for disclosure of Phase I experts is February 1, 2013 and the current cut-off date
13 for Phase I non-expert discovery is February 15, 2013.

14 3. Because of the nature and scope of the claims and defenses in this action, as well as
15 the current status of discovery, on or about November 20, 2012, the parties informally agreed to stay
16 formal discovery and to continue pending deadlines in this case while they explored preliminary
17 settlement discussions. Since that time, the parties have engaged in preliminary settlement
18 discussions and believe that a stay of formal discovery will facilitate productive settlement
19 discussions and potentially avoid substantial unnecessary costs.

20 4. The parties jointly request that the Court enter an order confirming the parties'
21 agreement to stay formal discovery and continuing all dates and deadlines set by the Case Scheduling
22 Order of October 15, 2012 for an amount of time equal to the length of the discovery stay.

23 5. The parties are not now proposing a specific length for the discovery stay. The
24 parties agree that, after the order of reference, they will pursue settlement discussions as
25 expeditiously as the schedules of the magistrate judge and parties permit. Because of the
26 uncertainties of such scheduling, the parties suggest that the Court schedule a case management
27 conference for April 4, 2013. The parties will file a joint case management conference statement in
28

1 advance of the April 4, 2013 conference; will report on the progress of their settlement negotiations;
2 and will provide their views regarding the utility of continuing the stay, lifting the stay, or setting a
3 fixed expiration date for the stay.

4 5. While formal discovery is stayed, no party will serve any new discovery or file any
5 discovery motion and no depositions will go forward.

6 6. Neither this stipulation nor any order entered by the Court pursuant to the stipulation
7 will prejudice any party's substantive or procedural rights upon the expiration of the discovery stay.

8 THEREFORE, THE PARTIES HEREBY STIPULATE, AND JOINTLY REQUEST THE
9 COURT TO ORDER THAT:

10 1. This matter is hereby referred to Magistrate Judge Laurel Beeler for settlement
11 purposes.

12 2. Effective November 20, 2012, formal discovery in this matter is stayed. While formal
13 discovery is stayed, no party will serve any new discovery or file any discovery motion and no
14 depositions will go forward. Notwithstanding the discovery stay, the parties may voluntarily
15 exchange documents and information under the auspices of the settlement judge.

16 3. All dates and deadlines set by the Court's Case Scheduling Order of October 15, 2012
17 will be continued for an amount of time equal to the length of the discovery stay. Within ten (10)
18 days after the stay is lifted or expires, pursuant to order of the Court or agreement of the parties, the
19 parties will submit a proposed Revised Scheduling Order setting forth new deadlines.

20 4. A case management conference in this matter is hereby set for April 11,
21 a.m. The parties are to file a joint case management conference statement on or before April 4, 2013, at 10:00
22 2013. ~~March 28,~~

23
24 Dated: January 24, 2013

GORDON W. RENNEISEN
CORNERSTONE LAW GROUP

25
26 By: _____/s/Gordon W. Renneisen
27 Gordon W. Renneisen
28 Counsel for Plaintiffs and all others similarly-situated

1 Dated: January 24, 2013

NANCY L. ABELL
PAUL HASTINGS LLP

2
3 By: /s/Nancy L. Abell

4 Nancy L. Abell
Counsel for Defendants

5
6 **ORDER**

7
8 IT IS SO ORDERED.

9
10 Dated: 1/25/13



11 HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE